

1972

## c 61 The Charitable Institutions Amendment Act, 1972

Ontario

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## CHAPTER 61

**An Act to amend  
The Charitable Institutions Act**

*Assented to May 26th, 1972  
Session Prorogued December 15th, 1972*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Charitable Institutions Act*, <sup>s. 1 (d), re-enacted</sup> being chapter 62 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(d) "Director" means the Director appointed for the purposes of this Act.

2. Subsection 1 of section 3 of the said Act, as enacted <sup>s. 3 (1), amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 16, is amended by adding at the commencement thereof "Subject to section 3a".

3. The said Act is amended by adding thereto the following <sup>s. 3a, enacted</sup> section:

3a. Before selecting or acquiring a site or erecting or <sup>Evaluation and survey</sup> acquiring a building for use as a charitable institution, an approved corporation establishing the charitable institution shall,

(a) evaluate the site in accordance with the regulations to determine whether it will best serve the programs of the institution and the best interests of the prospective residents of the institution; and

(b) conduct a survey of the community and a review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

4.—(1) Clause *c* of subsection 1 of section 4 of the said Act <sup>s. 4 (1) (c), re-enacted</sup> is repealed and the following substituted therefor:

(c) erect a new building or an addition to an existing building for use as a charitable institution until,

- (i) the need for the building or the addition has been established to the satisfaction of the Minister,
- (ii) in the case of the erection of a new building, the site, selected and evaluated in accordance with the regulations, has been approved by the Minister, and
- (iii) the plans therefor, developed and prepared in accordance with the regulations, have been approved in writing by the Minister.

s. 4 (1) (c),  
amended

(2) Clause *c* of subsection 1 of the said section 4 is amended by striking out "grant under section 5 or 6" in the fourth line and inserting in lieu thereof "grant under section 5, 6 or 7".

s. 5,  
amended

**5.**—(1) Section 5 of the said Act is amended by striking out "Lieutenant Governor in Council" in the fourth line and inserting in lieu thereof "Minister".

s. 5 (a),  
amended

(2) Clause *a* of the said section 5 is amended by inserting after "bed" in the seventh line "or such greater amount per bed as is prescribed by the regulations".

s. 5 (b),  
amended

(3) Clause *b* of the said section 5 is amended by inserting after "bed" in the seventh line "or such greater amount per bed as is prescribed by the regulations".

s. 6,  
amended

**6.** Section 6 of the said Act is amended by striking out "Lieutenant Governor in Council" in the fourth line and inserting in lieu thereof "Minister" and by adding at the end thereof "or such greater amount per bed as is prescribed by the regulations".

s. 7,  
amended

**7.** Section 7 of the said Act is amended by inserting after "per cent" in the third line "or such higher percentage as the regulations prescribe".

s. 7a,  
enacted

**8.** The said Act is further amended by adding thereto the following section:

Extended  
care  
services

**7a.**—(1) Any person,

- (a) who has been admitted to an approved charitable institution; and
- (b) who is eligible for extended care services under *The Health Insurance Act, 1972* on the grounds of medical necessity,

may receive extended care services available in the approved charitable institution where the institution has been authorized by the Director in accordance with the regulations to provide such services.

- (2) The provisions of *The Health Insurance Act, 1972*<sup>Application of 1972, c. 91</sup> apply *mutatis mutandis* to a determination under subsection 1 of eligibility for extended care services on the grounds of medical necessity and to appeals therefrom.

- (3) Notwithstanding subsections 1 and 2, an applicant<sup>Entitlement to services</sup> for extended care services who has been found eligible therefor under this or any other Act does not thereby become entitled as of right to such services in an approved charitable institution.

9.—(1) Clause *b* of section 10 of the said Act is repealed<sup>s. 10 (b), re-enacted</sup> and the following substituted therefor:

- (b) prescribing classes of specified approved charitable institutions, governing the admission of persons to and their discharge from approved charitable institutions, prescribing the conditions of eligibility and procedures for such admission and discharge, and specifying classes of persons that may be cared for in specified approved charitable institutions or any class thereof;
- (ba) providing for the making of investigations of the financial circumstances of residents in or applicants for admission to approved charitable institutions or any class thereof for the purpose of determining eligibility or continuing eligibility for admission to the institutions.

(2) The said section 10, as amended by the Statutes of<sup>s. 10, amended</sup> Ontario, 1971, chapter 50, section 16, is further amended by adding thereto the following clauses:

- (bb) prescribing procedures for selecting and evaluating the site for a charitable institution to be erected or acquired by an approved corporation and for conducting a survey of the community and a review of population requirements and the contents of the report to be submitted to the Minister under section 3a;
- (bc) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans;



- (bd) prescribing the location, site, size, design and construction of buildings used or to be acquired, erected or altered for use as approved charitable institutions or any class thereof and the facilities and equipment to be provided therein.

s. 10 (d),  
re-enacted

(3) Clause *d* of the said section 10 is repealed and the following substituted therefor:

- (d) prescribing staff requirements and governing the appointment, qualifications and the powers and duties of administrators and members of the staffs of approved charitable institutions or any class thereof and requiring in-service training programs to be provided for members of staffs of any such institutions or class thereof;
- (da) requiring the bonding of administrators and other employees or classes of employees of approved charitable institutions or any class thereof in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of the bonds and the disposition of the proceeds thereof.

s. 10 (e),  
re-enacted

(4) Clause *e* of the said section 10 is repealed and the following substituted therefor:

- (e) prescribing and governing the social services, medical, paramedical and nursing care and other services, and the items, amenities and recreational opportunities that shall be provided for residents in approved charitable institutions or classes of approved charitable institutions, prescribing classes or levels of such care, services, items, amenities and recreational opportunities in accordance with the needs of the residents and providing for the assessment and classification of the residents for the purpose of determining the class or level of care, services and items required by them;
- (ea) prescribing the percentage of bed capacity to be maintained and used in approved charitable institutions for any prescribed class or level of care and services to be provided in the charitable institution or class thereof, as the case may be;
- (eb) prescribing the maximum amounts that may be charged residents in approved charitable institutions for any prescribed class or level of care, services, items and amenities provided in the charitable institutions;

- (*ec*) providing for the terms and conditions of trust upon which an approved corporation may receive and hold property of a resident in an approved charitable institution maintained and operated by the corporation.

(5) Clause *g* of the said section 10 is amended by inserting <sup>s. 10 (*g*),  
amended</sup> after "corporations" in the second line "and prescribing a greater amount per bed".

(6) Clause *h* of the said section 10 is repealed and the <sup>s. 10 (*h*),  
re-enacted</sup> following substituted therefor:

- (*h*) defining "operating and maintenance costs", prescribing the manner of computing the part of the cost of care and maintenance of a person resident in a charitable institution, prescribing classes of payments and a higher percentage in respect of the cost of any such class or classes of payment and the maximum amounts of the cost to which Ontario may contribute for the purpose of determining the amount of the payment to be made under section 7;
- (*ha*) defining "extended care services" and "nursing care", and prescribing facilities, items and services to be included in either of such definitions and prescribing standards of eligibility in addition to those mentioned in this Act for extended care services of residents in approved charitable institutions or any class thereof and the manner of determining such eligibility;
- (*hb*) prescribing the manner of applying for extended care services and providing for the termination, reinstatement or extension of such services for residents in approved charitable institutions or any class thereof;
- (*hc*) providing for the authorization by the Director of approved charitable institutions or any class thereof to provide extended care services and prescribing the circumstances and conditions under which such authorizations may be given, including the facilities, equipment, services and programs to be provided in such charitable institutions;
- (*hd*) prescribing rules for determining the amounts to be contributed by any resident or any class of resident in an approved charitable institution towards the cost of his care and maintenance therein.

(7) Clause *i* of the said section 10 is amended by inserting <sup>s. 10 (*i*),  
amended</sup> after "records" in the first line "and accounts".

Commence- ment	<b>10.</b> —(1) This Act, except sections 1, 2 and 3, subsection 1 of section 4, sections 7 and 8 and subsection 6 of section 9, comes into force on the day it receives Royal Assent.
Idem	(2) Sections 1, 7 and 8 and subsection 6 of section 9 shall be deemed to have come into force on the 1st day of April, 1972.
Idem	(3) Sections 2 and 3 and subsection 1 of section 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	<b>11.</b> This Act may be cited as <i>The Charitable Institutions Amendment Act, 1972</i> .